

STATE OF CALIFORNIA  
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY  
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

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In the Matter of Permit 20420 (Application 28710)  
Trinity County Fair

**ORDER APPROVING EXTENSION OF TIME  
AND AMENDING THE PERMIT**

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SOURCE: Hayfork Creek

COUNTY: Trinity

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**WHEREAS:**

1. Permit 20420 was issued to Trinity County Fair on February 2, 1990, pursuant to Application 28710.
2. A petition for an extension of time within which to develop the project and apply the water to the proposed use was filed with the State Water Resources Control Board (SWRCB) on December 22, 2000.
3. The permittee has proceeded with diligence and good cause has been shown for an extension of time. Public notice of the request for an extension of time was issued on September 21, 2001 and no protests were received.
4. The SWRCB has determined that the petition for an extension of time does not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.
5. Fish, wildlife, and plant species have been or may be listed under the federal Endangered Species Act and/or the California Endangered Species Act. Additionally, the permittee may be required to obtain a Stream/Lake Alteration Permit from the California Department of Fish and Game (DFG). Appropriate standard permit terms advising the permittee of possible related obligations or requirements, will be added to Permit 20420.

**NOW, THEREFORE, IT IS ORDERED THAT Permit 20420 IS AMENDED AS FOLLOWS:**

1. Conditions 8 and 9 of Permit 20420 are deleted and replaced with the following term:  
  
Construction work and complete application of the water to the authorized use shall be prosecuted with reasonable diligence and completed by December 31, 2012.

(0000009)

2. The following Measuring Device term is added to Permit 20420:

No water shall be diverted under this permit until either: (1) an in-line flow meter capable of measuring the instantaneous diversion rate and the cumulative amount diverted under this permit is properly installed and maintained near the point of diversion, or (2) the pump at the point of diversion is tested once every five years by a qualified pump testing company or by the petitioner's utility company. Permittee shall maintain a record of either the end-of-the-month flow meter readings or of monthly electric power bills for the pump and a copy of the latest pump test. Permittee shall submit these monthly records, whenever applicable, with the annual "Progress Report by Permittee" or whenever requested by the Division of Water Rights.

3. The following Endangered Species and Stream/Lake Alteration Permit conditions are added to Permit 20420:

This permit does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "take" will result from any act authorized under this water right, the permittee shall obtain authorization for an incidental take prior to construction or operation of the project. Permittee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this permit.

(0000014)

No work shall commence and no water shall be diverted, stored or used under this permit until a copy of a stream or lake alteration agreement between the State Department of Fish and Game and the permittee is filed with the Division of Water Rights. Compliance with the terms and conditions of the agreement is the responsibility of the permittee. If a stream or lake agreement is not necessary for this permitted project, the permittee should provide the Division of Water Rights a copy of a waiver signed by the State Department of Fish and Game.

(0000063)

4. All other terms and conditions of Permit 20420 are still applicable.

STATE WATER RESOURCES CONTROL BOARD

*for*   
Harry M. Schueller  
Chief Deputy Director

Dated: SEP 19 2007

STATE OF CALIFORNIA  
WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 20420

Application 28710 of Trinity County Fair

P. O. Box 880, Hayfork, CA 96041

filed on January 7, 1986, has been approved by the State Water Resources Control Board SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this Permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source:

Tributary to:

Hayfork Creek

South Fork Trinity River thence

Trinity River

2. Location of point of diversion:

40-acre subdivision  
of public land survey  
or projection thereof

Section

Town-  
ship

Range

Base  
and  
Meridan

NORTH 1,600 FEET AND WEST 2,600 FEET FROM SE CORNER OF  
SECTION 11

NW $\frac{1}{4}$  OF SE $\frac{1}{4}$

11

31N

12W

MD

County of Trinity

3. Purpose of use:

4. Place of use:

Section

Town-  
Ship

Range

Base  
and  
Meridan

Acre

IRRIGATION

NW $\frac{1}{4}$  OF NE $\frac{1}{4}$

14

31N

12W

MD

10

NE $\frac{1}{4}$  OF NE $\frac{1}{4}$

14

31N

12W

MD

10

SW $\frac{1}{4}$  OF NE $\frac{1}{4}$

14

31N

12W

MD

10

TOTAL

30

The place of use is shown on map on file with the State Water Resources Control Board.

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 0.4 cubic foot per second to be diverted from May 1 to September 30 of each year. The maximum amount diverted under this permit shall not exceed 118.8 acre-feet per year. (0000005)
6. The amount authorized for appropriation may be reduced in the license if investigation warrants. (0000006)
7. Construction work shall begin within two years of the date of this permit and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted, this permit may be revoked. (0000007)
8. Construction work shall be completed by December 31, 1993. (0000008)
9. Complete application of the water to the authorized use shall be made by December 31, 1994. (0000009)
10. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until license is issued. (0000010)
11. Permittee shall allow representatives of the State Water Resources Control Board and other parties as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit. (0000011)
12. Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.
- The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.
- The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust. (0000012)
13. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges. (0000013)
14. This permit shall not be construed as conferring upon the permittee right of access to the point of diversion. (0000022)

**Application** \_\_\_\_\_

15. The equivalent of the continuous flow allowance for any 30-day period may be diverted in a shorter time, provided there be no interference with other rights and instream beneficial uses; and provided further that all terms or conditions protecting instream beneficial uses be observed.

(0000027)

16. For the protection of fish and wildlife, permittee shall bypass a minimum of six cubic feet per second. The total streamflow shall be bypassed whenever it is less than the designated amount.

(0140060)

17. No water shall be diverted under this permit until permittee has installed a device, satisfactory to the State Water Resources Control Board, which is capable of measuring the flow required by the conditions of this permit. Said measuring device shall be properly maintained.

(0060062)

18. In accordance with Section 1601, 1603, and/or Section 6100 of the Fish and Game Code, no work shall be started on the diversion works and no water shall be diverted until permittee has entered into a stream or lake alteration agreement with the Department of Fish and Game and/or the Department has determined that measures to protect fishlife have been incorporated into the plans for construction of such diversion works. Construction, operation, and maintenance costs of any required facility are the responsibility of the permittee.

(0000063)

19. If an archaeological site is found during any phase of construction, permittee shall cease all work and preserve the site until a qualified archaeologist can determine its significance and any necessary mitigation measures.

(0380500)

**This permit is issued and permittee takes it subject to the following provisions of the Water Code:**

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

**Dated:** FEBRUARY 02 1990

STATE WATER RESOURCES CONTROL BOARD

*Walter J. Pettit*  
Chief, Division of Water Rights